

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

2023 JAN -4 AM 9:43

ROBERT GRUNDSTEIN,

Plaintiff,

v.

CUYAHOGA COUNTY COURT OF  
COMMON PLEAS DOCKET ENTRY OF  
JULY 24, 2019 *et al.*,

Defendants.

CLERK  
BY EH  
DEPUTY CLERK

Case No. 5:22-cv-122

**ORDER**

The court dismissed Mr. Grundstein's complaint against five of the six named defendants without prejudice on November 17, 2022. (Doc. 11 at 10.) In that same order, the court granted Mr. Grundstein until November 29, 2022 to provide proof of service to the remaining defendant, Ohio Attorney General David Yost, under Federal Rule of Civil Procedure 4(m) or to request an extension of time within which to do so. (*Id.* at 10.) That deadline has now passed, and Mr. Grundstein has neither provided proof of service to Mr. Yost nor requested an extension. Therefore, Mr. Grundstein's claims against Mr. Yost are DISMISSED WITHOUT PREJUDICE under Rule 4(m).

The court has now dismissed Mr. Grundstein's Complaint (Doc. 2) against all defendants without prejudice. Because Mr. Grundstein represents himself, the court considers whether to grant leave to amend. *See Garcia v. Superintendent of Great Meadow Corr. Facility*, 841 F.3d 581, 583 (2d Cir. 2016) (per curiam) ("[A] district court should not dismiss a pro se complaint 'without granting leave to amend at least once,' unless amendment would be futile." (quoting *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000))). Here, better pleading will not cure the

lack of personal jurisdiction over the individual defendants. *Cf. Adams v. Horton*, No. 1:15-cv-228-jgm, 2017 WL 2493127, at \*2 (D. Vt. June 8, 2017) (concluding that better pleading would not cure lack of personal jurisdiction over defendant who was domiciled in Georgia, had no contacts with Vermont, and where cause of action did not arise out of any contact the defendant had with Vermont). Nor could better pleading cure the fact that court docket entries cannot be proper defendants. (Doc. 11 at 3 n.3.) None of the factual allegations in the Amended Complaint suggest that Mr. Grundstein could name any additional defendants who might have been involved in the alleged wrongdoing and who might be subject to personal jurisdiction in this court. Therefore, the court denies leave to amend.

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 4<sup>th</sup> day of January, 2023.



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Geoffrey W. Crawford, Chief Judge  
United States District Court